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DEC 16 2005

OFFICE OF PETITIONS

In re Application of :
Samuel K. Giles et al :
Application No. 10/644,572 :
Filed: August 21, 2003 :
For: Vehicle Security System :

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed July 28, 2005, to withdraw the holding of abandonment for the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." Petitioner is advised that this is **not** a final agency action.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 6, 2004, which set a shortened statutory period for reply of three (3) months. A two (2) month extension of time under the provisions of 37 CFR 1.136(a) was obtained.¹ Accordingly, the above-identified application became abandoned on March 7, 2005.

The file record fails to disclose the presence any interview summary record or other communication, oral or written, between petitioners herein and any employee of the U.S. Patent and Trademark Office (USPTO) regarding the extension of time fees in this matter. Petitioners should note that all business with the USPTO should be transacted in writing. The action of the USPTO will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt. *Note* 37 CFR 1.2.

Petitioners are further advised that, while an applicant may prosecute his own application, he is charged with knowledge of the patent statutes, rules and regulations. Therefore, petitioners'

¹ The fee for a three (3) month extensions of time was \$510.00 and petitioners paid a total of \$285.00 as of March 4, 2005.

detrimental reliance on oral advice, or advice to which there may be disagreement or doubt as to the content of the conversation, is not grounds for withdrawal of the holding of abandonment in this application. Petitioners are ultimately responsible for prosecuting their own application and for timely submitting the reply necessary to maintain pendency of the application and no attempt should be made to shift this burden to the USPTO.

In view of the above, the holding of abandonment is proper and will not be withdrawn.

Petitioners may wish to consider filing a petition under 37 CFR 1.137 to revive this application.

Finally, the petition encloses a \$225.00 check intended for a 3-month extension of time. However, an extension of time under 37 CFR 1.136 may only be obtained prior to expiration of the maximum extendable reply period. The request for extension of time submitted with the instant petition is not applicable, in that, it is filed subsequent to the maximum extendable reply period, i.e., subsequent to April 6, 2005. Petitioners may request a refund of this fee by writing to: Mail Stop 16, Director of the US Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request. Alternatively, petitioners may request that this \$225.00 payment be applied towards the fee for filing a petition to revive under 37 CFR 1.137.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.



Frances Hicks
Lead Petitions Examiner
Office of Petitions